

### REMARKS

Claims 1 and 3-13 are pending in the application and stand rejected. Claims 1, 5, and 10 have been amended. Claims 3, 4, 6, 8, and 9 have been canceled. Reconsideration and allowance of Claims 1, 5, 7, and 10-13 in view of the above amendments and following remarks is respectfully requested.

### Oath/Declaration

The Office Action states that the original filed inventors' declaration is defective. Applicants believe that the inventors' declaration is proper because the present application is not subject to the declaration requirements as indicated in the Office Action. The present application was filed March 31, 2004. The duty of disclosure language for oaths or declarations filed in nonprovisional patent applications is set forth in U.S. Patent and Trademark Office Notice, 1327 OG 112, February 12, 2008. The Notice clarifies the requirements for an inventor's declaration in a nonprovisional patent application filed on or after June 1, 2008. Because the present application was filed before the effective date of the new declaration requirements, the present application is not subject to the new requirements. Withdrawal of objection to the inventors' declaration is respectfully requested.

### The Rejection of Claims 1, 3, 4, and 10-13 Under 35 U.S.C. § 103(a)

Claims 1, 3, 4, and 10-13 stand rejected under 35 U.S.C. § 103(a) as obvious in view of U.S. Patent No. 5,549,791, issued to Herron et al, in view of U.S. Patent No. 4,822,453, issued to Dean et al. Withdrawal of the rejection is requested for the following reasons.

Claims 1 and 10 are the rejected independent claims. Claims 3 and 4 have been canceled and Claims 11-13 depend from Claim 10.

Claims 1 and 10 have been amended to recite that the bleaching agent is hydrogen peroxide. Support for the amendment can be found throughout the specification as originally

filed. See, for example, page 3, lines 26-30; page 7, lines 4-9; and page 12, Table 2, entries B, C, and D. Referring to Table 2, we note that the Whiteness Index increases over time for polyacrylic acid crosslinked fibers treated with hydrogen peroxide (i.e., compare entries B, C, and D with control A). As amended, each of Claims 1 and 10 recites that the bleached polyacrylic acid crosslinked fibers have a Whiteness Index that increases from a first value determined at least one day after treatment with hydrogen peroxide to a second value determined up to 14 days after treatment. Neither the Herron reference nor the Dean reference describes bleached polyacrylic acid crosslinked fibers having a Whiteness Index that increases from an initial value after treatment with hydrogen peroxide to a second value determined up to 14 days after treatment, as in the claimed invention.

We agree with the Examiner that the Herron reference does not disclose bleaching fibers after crosslinking, but does disclose post-crosslinking bleaching as a recognized treatment for crosslinked fibers.

That recognized treatment is described in the Dean reference. The Dean reference addresses the problem of excess crosslinking agent present in absorbent products that contact a person's skin. The Dean reference notes the desirability of removing excess crosslinking agent from the absorbent products to prevent irritation resulting from use of the products.

The Dean reference describes a method for reducing residual dialdehyde crosslinking agent by alkaline washes in which alkalinity is introduced by compounds such as sodium hydroxide or in the form of oxidizing agents such as those used as bleaching agents (e.g., sodium hypochlorite) at a pH of at least 7 or preferably at least pH 9. See Col. 17, lines 1-23.

The reference states that single stage oxidation and multiple stage oxidation were found to be effective for extracting residual crosslinking agent. See Col. 17, lines 24-32.

One method described in the references involves a conventional bleaching process (e.g. DEP or DEH) that is interrupted for fiber crosslinking. See Col. 17, lines 32-58. In these processes, "E" refers to caustic (alkaline) extraction.

The Dean reference concludes by stating that, in addition to effective reduction of residual crosslinking agent, post-crosslinking alkaline treatments are observed to facilitate development of higher fluid retention values for fibers so treated. See Col. 17, lines 59-63.

The invention as now claimed relates to polyacrylic acid crosslinked fibers that have been treated with hydrogen peroxide (not in combination with alkaline) having enhanced Whiteness Index.

The cited references teach treating crosslinked fibers with a bleaching agent that includes an alkaline substance, in contrast to the claimed invention related to hydrogen peroxide treated crosslinked fibers. Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed, the claimed invention is non-obvious and patentable over the cited references. Withdrawal of the rejection is respectfully requested.

The Rejection of Claims 1 and 3-13 under 35 U.S.C. § 103(a)

Claims 1 and 3-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,562,740, issued to Cook et al., in view of U.S. Patent No. 5,549,791, issued to Herron et al. Withdrawal of the rejection is requested for the following reasons.

Claims 1, 5, and 10 are the pending independent claims. Claims 3, 4, 6, 8, and 9 have been canceled. Each of Claims 1, 5, and 10 has been amended to recite that the fibers are treated with hydrogen peroxide.

As noted above, the Herron reference does not disclose bleaching fibers after crosslinking, but does disclose post-crosslinking bleaching as a recognized treatment for crosslinked fibers.

The Cook reference, the recognized post-crosslinking treatment, describes a method for reducing odor and increasing brightness of citric acid crosslinked fibers. The Cook reference describes treating citric acid crosslinked fibers with an aqueous solution of sodium hydroxide and hydrogen peroxide. The reference describes the criticality of the use of alkaline in the treatments, does not disclose a method that does not include alkaline treatment, and does not teach or suggest a method for treating crosslinked fibers that uses hydrogen peroxide alone without alkaline.

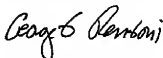
The cited references teach treating crosslinked fibers with a bleaching agent that includes an alkaline substance, in contrast to the claimed invention related to hydrogen peroxide treated crosslinked fibers. Because the cited references, either alone or in combination, fail to teach, suggest, provide any motivation to make, or otherwise render obvious the invention as now claimed, the claimed invention is non-obvious and patentable over the cited references. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing remarks, applicants believe that Claims 1, 5, 7, and 10-13 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLC</sup>



George E. Renzoni, Ph.D.  
Registration No. 37,919  
Direct Dial No. 206.695.1755

GER:md

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100